

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PROGRESSIVE HAWAII)
INSURANCE CORPORATION,)

Plaintiff,)

vs.)

Docket No.: 3:12-CV-00574

NAKIA DAVIS, XAVIER BINGHAM,)

RYAN WESTBROOK, ESTATE OF)

JUSTIN WALKER, JAMES A.)

RUSSELL, ANGELIC HODGE,)

ALLSTATE INSURANCE COMPANY,)

and GEICO INSURANCE COMPANY,)

Defendants.)

MOTION TO COMPEL DISCOVERY AND
MOTION FOR EXTENSION OF TIME TO RESPOND TO
MOTION FOR SUMMARY JUDGMENT

Comes now the Defendant, Allstate Insurance Company, and moves this Honorable Court for an order compelling discovery as well as an order extending time to respond to the Plaintiff's Motion for Summary Judgment. As grounds therefore, it would be stated as follows:

1. Pursuant to Federal Rules of Procedure Rule 26 there are certain required disclosures which must be made. F.R.C.P. 26(a)(1). These initial disclosures are required to be made in accordance with the timing laid out in F.R.C.P. 26(f). To date, there has not been a discovery planning conference pursuant

F.R.C.P. 26(f) which has included all of the parties to this case. There has also not been a request by any party to schedule such a conference. By consequence initial disclosures have not been made.

2. It is mandatory that the initial disclosures of the Plaintiff be made and that the discovery planning conference envisioned by F.R.C.P. 26(f) occur prior to the time Defendant be responsible for filing a response to the Motion for Summary Judgment. Absent such discovery there would be no basis for knowing how to respond to the Motion for Summary Judgment.

By consequence of the above, counsel would request that the deadline to respond to the Motion for Summary Judgment in this matter be extended until such time as the Plaintiff has complied with its obligations and made initial disclosures pursuant F.R.C.P. 26, and further that the Plaintiff be compelled to provide such disclosures based on having filed the Motion for Summary Judgment without providing its initial discovery disclosures.

Respectfully submitted,

LUTHER-ANDERSON, PLLP

BY: s/Daniel J. Ripper

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2013 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Clerk's electronic filing system.

LUTHER - ANDERSON, PLLP

BY: s/Daniel J. Ripper
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